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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,028	08/18/2003	Toshiaki Sato	450100-04711	3822

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EXAMINER

GESESSE, TILAHUN

ART UNIT	PAPER NUMBER
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2618

DATE MAILED: 04/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/643,028	Applicant(s) SATO ET AL.	
	Examiner Tilahun B. Gesesse	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-6 are rejected under 35 U.S.C. 102(a) as being anticipated by Lustila et al (2001/0018332) "Lustila".

Claim 1, Lustila discloses a portable terminal apparatus (see fig. 1 and page. 1, para 0007-0016) comprising:

Lustila discloses a housing (see fig. 1 and Pg. 1 para 0020-pg 2 para 0023).

Lustila discloses a surface lighting portion surface of said housing (see fig. 1 and page 1 para 0020-0023).

Lustila discloses a panel member detachably mounted (cover) on said housing (page 1 para 007-0016) so as to cover said surface lighting portion, at least a part of said panel member being transparent (see fig. 1 and page 1 para 0020- page 3 para 0040).

Claim 2, Lustila discloses outer surface (cover see page 2 para 0021 and fig. 1).

Lustila discloses the surface lighting portion has a flat member (see page 1 para 0020).

Lustila discloses the housing has means for holding a flat plate like member placed on said flat outer surface the lighting portion (see fig. 1 and page 1 para 0020-0023).

Claim 3. Lustila discloses the apparatus has a communication function (see pg 1 para 0020), and the whole said surface lighting portion is illuminated upon receiving an incoming call (page 2 para 0027)

Claim 4. Lustila discloses the surface lighting portion comprises a light source and a light guiding plate for guiding light emitted from said light source and scattering said light from one surface (see page 2 para 0022 and fig. 1).

Claim 5, Lustila discloses means for changing a lighting pattern provided by said surface lighting portion a caller upon receiving an incoming call (see pg. 2 para 0022-00327)

Claim 6, Lustila discloses the panel member comprises a plurality of panel members adapted to be selectively mounted on said housing, each of said panel members having information for specifying said lighting pattern; said apparatus further comprising means for detecting said information and means for controlling said lighting portion according to said information detected by said detecting means (page 2 para 0026-0035).

Art Unit: 2618

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 7-9,11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Emmert et al (us 6600662) Emmert.

Claims 7,12-13,, Emmert discloses a portable terminal apparatus having a communication function, (abstract) comprising:

Emmert discloses an upper housing a lower housing; (see fiug. 7)).

Emmert discloses a hinge portion for pivotably connecting said upper housing and said lower housing so that said upper housing foldable with respect to said lower housing (see abstract and figure 7).

Emmert discloses a hinge lighting portion provided at said hinge portion for illumination in the condition where said upper housing is folded with respect to said lower housing (see abstract and see col. 1 line 58-col 2 line 7 and fig. 1)

Emmert discloses a surface lighting portion provided on the outer surface of said upper housing (see abstract and col. 1 line 58-col 2 line 7 and fig. 1)

Emmert discloses control means (column 2, lines 45-57) for controlling lighting patterns of said hinge lighting portion and said surface lighting portion independently and selectively (col. 2 lines 2-8)

Claims 8,11 Emmert teaches a control means comprises means for variably controlling said lighting patterns of said hinge lighting portion and said surface lighting portion according to an event occurring in said apparatus (col. 2 lines 2-8 and col. 4 lines 64-col. 5 line 10).

Claim 9, Emmert discloses said event comprises at least two of calling and charging (col. 4 line 64-col, 5 line 10)

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Emmert in view Lustila.

Claim 10, Emmert does not teach expressly portable unit indicates upon receiving an incoming call from the caller.

However, Lustila teaches portable unit indicates upon receiving an incoming call from the caller (page 1, para 0010-0011). Emmert and Lustila both apparatus the indicates a user different pattern of lights, then, it would have been obvious to an artisan of ordinary skill in the art at the time of the invention to alert a user upon receiving an incoming call in Emmert system , as taught by Lustila , in a way no one is being disturbed by annoying ringing noise, rather a user is alerted using different color of lights.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Luctche et al (US 6,990,361) teaches a portable devices includes outer cover, main circuit ,and one or more LED illuminates (see abstract and fig.5).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 571-272-7879. The examiner can normally be reached on flexible schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 571-272-7899.

The Central FAX Number is 571-273-8300. For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number,

unless an exception applies.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

4/24/06
Tilahun Geesesse
TILAHUN GESESSE
PRIMARY EXAMINER